

10542 U.S. PTO
01/09/98

Practitioner's Docket No. MCEW 9801

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): JASON T. EPPS
DAN L. TERRY
JACKSON G. WEAVER

WARNING: Patent must be applied for in the name(s) of all of the actual inventor(s). 37 CFR 1.41(a) and 1.53(b).
For (title):

CERTIFICATION UNDER 37 C.F.R. 1.10*
(Express Mail label number is mandatory.)
(Express Mail certification is optional.)

I hereby certify that this New Application Transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service on this date JANUARY 8, 1998 in an envelope as "Express Mail Post Office to Addressee," mailing Label Number 10847375879, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

J. DAVID CABELO

(type or print name of person mailing paper)

[Signature]

Signature of person mailing paper

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

***WARNING:** Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Application Transmittal [4-1]—page 1 of 9)

1. Type of Application

This new application is for a(n)

(check one applicable item below)

- ☒ Original (nonprovisional)
☐ Design
☐ Plant

WARNING: Do not use this transmittal for a completion in the U.S. of an International Application under 35 U.S.C. 371(c)(4), unless the International Application is being filed as a divisional, continuation or continuation-in-part application.

WARNING: Do not use this transmittal for the filing of a provisional application.

NOTE: If one of the following 3 items apply, then complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF A PRIOR U.S. APPLICATION CLAIMED and a NOTIFICATION IN PARENT APPLICATION OF THE FILING OF THIS CONTINUATION APPLICATION.

- ☐ Divisional.
☐ Continuation.
☐ Continuation-in-part (C-I-P).

2. Benefit of Prior U.S. Application(s) (35 U.S.C. 119(e), 120, or 121)

NOTE: If the new application being transmitted is a divisional, continuation or a continuation-in-part of a parent case, or where the parent case is an International Application which designated the U.S., or benefit of a prior provisional application is claimed, then check the following item and complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

WARNING: If an application claims the benefit of the filing date of an earlier filed application under 35 U.S.C. 120, 121 or 365(c), the 20-year term of that application will be based upon the filing date of the earliest U.S. application that the application makes reference to under 35 U.S.C. 120, 121 or 365(c). (35 U.S.C. 154(a)(2) does not take into account, for the determination of the patent term, any application on which priority is claimed under 35 U.S.C. 119, 365(a) or 365(b).) For a c-i-p application, applicant should review whether any claim in the patent that will issue is supported by an earlier application and, if not, the applicant should consider canceling the reference to the earlier filed application. The term of a patent is not based on a claim-by-claim approach. See Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,205.

WARNING: When the last day of pendency of a provisional application falls on a Saturday, Sunday, or Federal holiday within the District of Columbia, any nonprovisional application claiming benefit of the provisional application must be filed prior to the Saturday, Sunday, or Federal holiday within the District of Columbia. See 37 C.F.R. § 1.78(a)(3).

- ☐ The new application being transmitted claims the benefit of prior U.S. application(s). Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

3. Papers Enclosed That Are Required for Filing Date under 37 C.F.R. 1.53(b) (Regular) or 37 C.F.R. 1.153 (Design) Application

- 11 Pages of specification
2 Pages of claims
1 Pages of Abstract
4 Sheets of drawing
☐ formal
☒ informal

WARNING: *DO NOT* submit original drawings. A high quality copy of the drawings should be supplied when filing a patent application. The drawings that are submitted to the Office must be on strong, white, smooth, and non-shiny paper and meet the standards according to § 1.84. If corrections to the drawings are necessary, they should be made to the original drawing and a high-quality copy of the corrected original drawing then submitted to the Office. Only one copy is required or desired. Comments on proposed new 37 CFR 1.84. Notice of March 9, 1988 (1990 O.G. 57-62).

NOTE: "Identifying indicia, if provided, should include the application number or the title of the invention, inventor's name, docket number (if any), and the name and telephone number of a person to call if the Office is unable to match the drawings to the proper application. This information should be placed on the back of each sheet of drawing a minimum distance of 1.5 cm. (5/8 inch) down from the top of the page." 37 C.F.R. 1.84(c)).

(complete the following, if applicable)

- ☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. 1.84(b).

4. Additional papers enclosed

- ☐ Preliminary Amendment
- ☒ Information Disclosure Statement (37 C.F.R. 1.98)
- ☒ Form PTO-1449 (PTO/SB/08A and 08B)
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative
- ☐ Special Comments
- ☐ Other

5. Declaration or oath

- ☒ Enclosed
- Executed by

(check all applicable boxes)

- ☒ inventor(s).
- ☐ legal representative of inventor(s).
37 CFR 1.42 or 1.43.
- ☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.
- ☐ This is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. See item 13 below for fee.
- ☐ Not Enclosed.

WARNING: Where the filing is a completion in the U.S. of an International Application, but where a declaration is not available, or where the completion of the U.S. application contains subject matter in addition to the International Application, the application may be treated as a continuation or continuation-in-part, as the case may be, utilizing ADDED PAGE FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION CLAIMED.

- ☐ Application is made by a person authorized under 37 C.F.R. 1.41(c) on behalf of all the above named inventor(s).

(The declaration or oath, along with the surcharge required by 37 CFR 1.16(e) can be filed subsequently).

NOTE: It is important that all the correct inventor(s) are named for filing under 37 CFR 1.41(c) and 1.53(b).

- ☐ Showing that the filing is authorized.
(not required unless called into question. 37 CFR 1.41(d))

6. Inventorship Statement

WARNING: If the named inventors are each not the inventors of all the claims an explanation, including the ownership of the various claims at the time the last claimed invention was made, should be submitted.

The inventorship for all the claims in this application are:

☒ The same.

or

- ☐ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,
- ☐ is submitted.
 - ☐ will be submitted.

7. Language

NOTE: An application including a signed oath or declaration may be filed in a language other than English. A verified English translation of the non-English language application and the processing fee of \$130.00 required by 37 CFR 1.17(k) is required to be filed with the application, or within such time as may be set by the Office. 37 CFR 1.52(d).

NOTE: A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 CFR 1.69(b).

- ☒ English
- ☐ Non-English
- ☐ The attached translation is a verified translation. 37 C.F.R. 1.52(d).

8. Assignment

☒ An assignment of the invention to M.C.E. SYSTEMS CORP.
A TEXAS CORPORATION

☒ is attached. A separate ☒ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is also attached.

☐ will follow.

NOTE: "If an assignment is submitted with a new application, send two separate letters—one for the application and one for the assignment." Notice of May 4, 1990 (1114 O.G. 77-78).

WARNING: A newly executed "CERTIFICATE UNDER 37 CFR 3.73(b)" must be filed when a continuation-in-part application is filed by an assignee. Notice of April 30, 1993, 1150 O.G. 62-64.

9. Certified Copy

Certified copy(ies) of application(s)

| | | |
|---------|------------|-------|
| Country | Appln. No. | Filed |
| Country | Appln. No. | Filed |
| Country | Appln. No. | Filed |

from which priority is claimed

- ☐ is (are) attached.
☐ will follow.

NOTE: The foreign application forming the basis for the claim for priority must be referred to in the oath or declaration. 37 CFR 1.55(a) and 1.63.

NOTE: This item is for any foreign priority for which the application being filed directly relates. If any parent U.S. application or International Application from which this application claims benefit under 35 U.S.C. 120 is itself entitled to priority from a prior foreign application, then complete item 18 on the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

10. Fee Calculation (37 C.F.R. 1.16)

A. ☒ Regular application

| CLAIMS AS FILED | | | |
|---|--------------|----------|--|
| Number filed | Number Extra | Rate | Basic Fee 37 C.F.R. 1.16(a) \$790.00 |
| Total Claims (37 CFR 1.16(c)) - 20 = | × | \$ 22.00 | 0 |
| Independent Claims (37 CFR 1.16(b)) - 3 = | × | \$ 82.00 | 0 |
| Multiple dependent claim(s), if any (37 CFR 1.16(d)) | + | \$270.00 | 0 |

- ☐ Amendment cancelling extra claims is enclosed.
☐ Amendment deleting multiple-dependencies is enclosed.
☐ Fee for extra claims is not being paid at this time.

NOTE: If the fees for extra claims are not paid on filing they must be paid or the claims cancelled by amendment, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 CFR 1.16(d).

Filing Fee Calculation

\$ 790.00

- B. ☐ Design application
(\$330.00—37 CFR 1.16(f))

Filing Fee Calculation

\$ _____

- C. ☐ Plant application
(\$540.00—37 CFR 1.16(g))

Filing fee calculation

\$ _____

11. Small Entity Statement(s)

- ☒ Verified Statement(s) that this is a filing by a small entity under 37 CFR 1.9 and 1.27 is (are) attached.

WARNING: "Status as a small entity in one application or patent does not affect any other application or patent, including applications or patents which are directly or indirectly dependent upon the application or patent in which the status has been established. A nonprovisional application claiming benefit under 35 U.S.C. 119(e), 120, 121 or 365(c) of a prior application may rely on a verified statement filed in the prior application if the nonprovisional application includes a reference to a verified statement in the prior application or includes a copy of the verified statement filed in the prior application if status as a small entity is still proper and desired." 37 C.F.R. § 1.28(a).

(complete the following, if applicable)

- ☐ Status as a small entity was claimed in prior application
_____/_____, filed on _____, from which benefit
is being claimed for this application under:

35 U.S.C. ☐ 119(e),
☐ 120,
☐ 121,
☐ 365(c),

and which status as a small entity is still proper and desired.

- ☐ A copy of the verified statement in the prior application is included.

Filing Fee Calculation (50% of A, B or C above)

\$ 395.00

NOTE: Any excess of the full fee paid will be refunded if a verified statement and a refund request are filed within 2 months of the date of timely payment of a full fee. The two-month period is not extendable under § 1.136. 37 CFR 1.28(a).

12. Request for International-Type Search (37 C.F.R. 1.104(d))

(complete, if applicable)

- ☐ Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

13. Fee Payment Being Made at This Time

☐ Not Enclosed

☐ No filing fee is to be paid at this time.

(This and the surcharge required by 37 C.F.R. 1.16(e) can be paid subsequently.)

☐ Enclosed

☒ Filing fee \$ 395.00

☒ Recording assignment
(\$40.00; 37 C.F.R. 1.21(h))
(See attached "COVER SHEET FOR
ASSIGNMENT ACCOMPANYING NEW
APPLICATION".) \$ 40.00

☐ Petition fee for filing by other than all the
inventors or person on behalf of the inventor
where inventor refused to sign or cannot be
reached
(\$130.00; 37 C.F.R. 1.47 and 1.17(h)) \$

☐ For processing an application with a
specification in
a non-English language
(\$130.00; 37 C.F.R. 1.52(d) and 1.17(k)) \$

☐ Processing and retention fee
(\$130.00; 37 C.F.R. 1.53(d) and 1.21(l)) \$

☐ Fee for international-type search report
(\$40.00; 37 C.F.R. 1.21(e)) \$

NOTE: 37 CFR 1.21(l) establishes a fee for processing and retaining any application that is abandoned for failing to complete the application pursuant to 37 CFR 1.53(d) and this, as well as the changes to 37 CFR 1.53 and 1.78, indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee must be paid, or the processing and retention fee of \$ 1.21(l) must be paid, within 1 year from notification under § 53(d).

Total fees enclosed \$ 435.00

14. Method of Payment of Fees

☒ Check in the amount of \$435.00

☐ Charge Account No. _____ in the amount of
\$ _____

A duplicate of this transmittal is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 CFR 1.22(b).

050403 0840050

15. Authorization to Charge Additional Fees

WARNING: If no fees are to be paid on filing, the following items should not be completed.

WARNING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.

- ☐ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. _____:

- ☐ 37 C.F.R. 1.16(a), (f) or (g) (filing fees)
☐ 37 C.F.R. 1.16(b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 CFR 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

- ☐ 37 C.F.R. 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
☐ 37 C.F.R. 1.17 (application processing fees)

WARNING: While 37 CFR 1.17(a), (b), (c) and (d) deal with extensions of time under § 1.136(a), this authorization should be made only with the knowledge that: "Submission of the appropriate extension fee under 37 C.F.R. 1.136(a) is to no avail unless a request or petition for extension is filed." (Emphasis added). Notice of November 5, 1985 (1060 O.G. 27).

- ☐ 37 C.F.R. 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. 1.311(b))

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 CFR 1.311(b).

NOTE: 37 CFR 1.28(b) requires "Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying, . . . issue fee." From the wording of 37 CFR 1.28(b), (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

16. Instructions as to Overpayment

- ☐ Credit Account No. _____
☐ Refund

Reg. No. 31,455

Tel. No. (281) 370-8058
FAX: 281-251-4991

Customer No.


SIGNATURE OF PRACTITIONER

J. DAVID CABELLO

(type or print name of attorney)

18207 THEISS MAIL ROUTE ROAD

P.O. Address

SPRING, TEXAS 77379

[illegible]

☐ Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

☒ Plus Added Pages for Papers Referred to in Item 4 Above

☒ Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added 8 PAGES

(if no further pages form a part of this Transmittal, then end this Transmittal with this page and check the following item)

☒ This transmittal ends with this page.

Practitioner's Docket No. MCEW-9801

PATENT

COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,
CONTINUATION OR C-I-P)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type:

(check one applicable item below)

- ☒ original.
☐ design.
☐ supplemental.

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application, do not check next item; check appropriate one of last three items.

- ☐ national stage of PCT.

NOTE: If one of the following 3 items apply, then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR C-I-P.

- ☐ divisional.
☐ continuation.
☐ continuation-in-part (C-I-P).

INVENTORSHIP IDENTIFICATION

WARNING: If the inventors are each not the inventors of all the claims, an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

AUTO OPENING PASS THROUGH WINDOW

SPECIFICATION IDENTIFICATION

the specification of which:

(complete (a), (b) or (c))

(a) ☒ is attached hereto.

NOTE: "The following combinations of information supplied in an oath or declaration filed on the application filing date with a specification are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:

"(1) name of inventor(s), and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration on filing;

"(2) name of inventor(s), and attorney docket number which was on the specification as filed;
or

"(3) name of inventor(s), and title which was on the specification as filed."

Notice of July 13, 1995 (1177 O.G. 60).

(b) ☐ was filed on _____, as ☐ Serial No. 0 / _____
or ☐ _____
and was amended on _____ (if applicable).

NOTE: Amendments filed after the original papers are deposited with the PTO that contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.

NOTE: "The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:

"(1) name of inventor(s), and application number (consisting of the series code and the serial number; e.g., 08/123,456);

"(2) name of inventor(s), serial number and filing date;

"(3) name of inventor(s) and attorney docket number which was on the specification as filed;

"(4) name of inventor(s), title which was on the specification as filed and filing date;

"(5) name of inventor(s), title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or

"(6) name of inventor(s), title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number; e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration."

Notice of July 13, 1995 (1177 O.G. 60).

(c) ☐ was described and claimed in PCT International Application No. _____, filed on _____ and as amended under PCT Article 19 on _____ (if any).

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56,

(also check the following items, if desired)

☒ and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, and

☒ in compliance with this duty, there is attached an information disclosure statement, in accordance with 37 CFR 1.98.

PRIORITY CLAIM (35 U.S.C. § 119(a)-(d))

I hereby claim foreign priority benefits under Title 35, United States Code, §§ 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

(d) ☒ no such applications have been filed.

(e) ☐ such applications have been filed as follows.

NOTE: Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

**PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119(a)-(d)**

| COUNTRY (OR INDICATE IF PCT) | APPLICATION NUMBER | DATE OF FILING (day, month, year) | PRIORITY CLAIMED UNDER 37 USC 119 |
|------------------------------------|--------------------|--------------------------------------|---|
| | | | <input type="checkbox"/> YES NO <input type="checkbox"/> |
| | | | <input type="checkbox"/> YES NO <input type="checkbox"/> |
| | | | <input type="checkbox"/> YES NO <input type="checkbox"/> |
| | | | <input type="checkbox"/> YES NO <input type="checkbox"/> |
| | | | <input type="checkbox"/> YES NO <input type="checkbox"/> |

CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)
(34 U.S.C. § 119(e))

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

PROVISIONAL APPLICATION NUMBER

FILING DATE

____ / _____
____ / _____
____ / _____

**CLAIM FOR BENEFIT OF EARLIER US/PCT APPLICATION(S)
UNDER 35 U.S.C. 120**

- ☐ The claim for the benefit of any such applications are set forth in the attached ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CONTINUATION-IN-PART (C-I-P) APPLICATION.

**ALL FOREIGN APPLICATION(S), IF ANY, FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

NOTE: If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR C-I-P APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. § 120.

POWER OF ATTORNEY

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

(list name and registration number)

J. DAVID CABELLO
REGISTRATION NO. 31,455

(check the following item, if applicable)

- ☐ I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.
- ☐ Attached, as part of this declaration and power of attorney, is the authorization of the above-named practitioner(s) to accept and follow instructions from my representative(s).

SEND CORRESPONDENCE TO

☒ Address

J. DAVID CABELLO
18207 THEISS MAIL ROUTE ROAD
SPRING, TEXAS 77379

DIRECT TELEPHONE CALLS TO:
(Name and telephone number)

J. DAVID CABELLO
PHONE: 281-370-8058
FAX: 281-251-4991

☐ Customer Number _____

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name, as it should appear on the filing receipt and all other documents.

Full name of sole or first inventor

JASON T. EPPS
(GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)
Inventor's signature *J. Epps*
Date _____ Country of Citizenship U.S.A.
Residence 9814 Big Willow Lane, Houston, Texas 77064
Post Office Address 9814 Big Willow Lane, Houston, Texas 77064

Full name of second joint inventor, if any

DAN L. TERRY
(GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)
Inventor's signature *Dan Terry*
Date _____ Country of Citizenship U.S.A.
Residence 9018 Kerrwood, Houston, Texas 77080
Post Office Address 9018 Kerrwood, Houston, Texas 77080

Full name of third joint inventor, if any

JACKSON G. WEAVER
(GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)
Inventor's signature *Jackson G. Weaver*
Date _____ Country of Citizenship U.S.A.
Residence 12511 Lakecrest Circle, Cypress, Texas 77429
Post Office Address 12511 Lakecrest Circle, Cypress, Texas 77429

UNITED STATES PATENT APPLICATION

FOR

Auto Opening Pass-Through Window

by:

Jason T. Epps,

Dan L. Terry

and

Jackson G. Weaver

Auto Opening Pass Through Window

BACKGROUND OF THE INVENTION

This invention pertains to access windows and similar equipment more particularly to access windows for drive-through and walk-up fast food service installations. These access windows are typically provided in a building, such as a fast-food service establishment, a convenience drive-up food store, a service station attendant's booth, a free-standing kiosk, or the like.

The present invention especially relates to access windows typically installed on the side of a building adjacent a driveway or sidewalk to facilitate business transactions between a clerk and a customer. Such windows are conventionally located in a manner permitting an attendant to view the customer approaching his window and to personally transact business with the customer.

In a typical commercial environment a drive-up access window must easily permit the clerk to transact business with a customer and yet provide the necessary isolation between the outside environment and the inside environment to satisfy health and safety requirements.

Prior art windows are described in U.S. Patent No. 4,411,102; U.S. Patent No. 4,442,630; U.S. Patent No. 4,733,498; and U.S. Patent No. 4,641,460. The windows may be actuated solely by manual force or by electrical motors triggered by a clerk or by the presence of a clerk.

Mechanically operated prior art devices require a substantial amount of physical exertion to operate as many windows in busy fast-food establishments may be operated in excess of 900 times per day. In an effort to reduce the

1 physical strain and exertion associated with such operation many fast-food
 2 establishment employees resort to mechanically blocking a window in the open
 3 position which violates many local and state health codes. In some cases motor
 4 operators have been installed in such windows, however, switches and the like
 5 used to trigger the windows also have proven problematic inasmuch as the
 6 clerks typically must open the windows without the use of their hands. Where
 7 automatic sensing means have been used, the auto-sensing means for the
 8 motor-operated windows has also proved problematic as the windows open
 9 unintentionally due to employee traffic in the proximity of the window or in some
 10 cases close inadvertently whenever the clerk fails to maintain a physical pose in
 11 a manner that breaks an infrared beam or the like.

12 **SUMMARY OF THE INVENTION**

13 The present invention meets the above-mentioned disadvantages by
 14 providing a reliable sensor and triggering device for a motor-assisted fast-food
 15 service window. The present invention uses an upwardly focused light emitting
 16 diode (LED) emitter/receiver sensor in a new and novel fashion that substantially
 17 reduces the number of times that a fast-food service window is unintentionally
 18 opened while at the same time providing for reliable sensing of a clerk in the fast-
 19 food window area just prior to providing a customer with food, drinks, change or
 20 other items required whenever business is transacted. The invention is further
 21 characterized by the application of an infrared emitter/receiver sensor in a
 22 manner not requiring a fixed reflective surface to serve in a manner to return the
 23 infrared beam from the emitter to the receiver.

1 The preferred embodiment of the apparatus comprises a plurality of
2 upwardly focused infrared emitter/receivers mounted on the internal side of a
3 fast-food service window at an angle slightly off of the horizontal plane in a
4 manner emitting an infrared beam at an angle slightly askew of the vertical axis.
5 The sensors are used to detect an employee in the immediate proximity of a
6 fast-food service window as the clerk bends over the horizontal service shelf as
7 the clerk begins to reach towards a customer. The sensors, although focused
8 towards the interior of a building, do not detect employees or traffic in the
9 immediate vicinity of the fast-food service window thereby virtually eliminating the
10 unintentional opening of the window. In the preferred embodiment, the sensor
11 circuit is equipped with a time delay of approximately 0.2 seconds (2/10
12 seconds) time delay in sensing an object as an additional aid in eliminating false
13 openings and closings of the access window. The uniquely oriented sensors are
14 connected to an electric motor operator which opens the window as an employee
15 prepares to deliver merchandise or other items to a customer. As the clerk
16 retreats from the fast-food service window area, the sensors then detect the
17 absence of the clerk thereby causing the motor operator to close the fast-food
18 service window.

19 In the preferred embodiment, the electrically operated service window
20 also is equipped with a switch to facilitate the use of the window by a wheel-chair
21 bound clerk or handicapped clerk who may not bend over the horizontal service
22 shelf in the traditional manner. In this fashion a wheel-chair bound employee
23 can open the window by operating the switch and thereafter close the window by
24 again operating the switch in the other direction. When the switch is oriented

1 such as to close the window, the window is also returned to the automatic
2 operation phase in a manner that will permit it to again properly detect the
3 proximity of an employee reaching across the horizontal service area as such
4 employee reaches towards a customer on the outside of the window.

5 The various features and principles of the invention will become obvious
6 to those skilled in the art upon review of the detailed description in conjunction
7 with the appended drawings and claims.

8 **BRIEF DESCRIPTION OF THE DRAWINGS**

9 **FIGURE 1** is a perspective view of the fast-food access window of the
10 present invention with a cut-away of the outer wall of a building, the access
11 window mounted within a window frame, having a motor-operated sliding window
12 pane (so as to permit transactions between the attendant within the building or
13 kiosk and a customer outside the building or kiosk), a fixed window pane, a
14 plurality of upwardly focused proximity sensors mounted on a sensor mount and
15 the sensor mount attached to the bottom window frame adjacent the sliding
16 pane.

17 **FIGURE 2** a detailed view of the area designated in Figure 1, illustrating
18 the sliding window pane described in Figure 1 with two proximity sensors
19 mounted on the sensor mount attached to the bottom frame member of the
20 access window frame.

21 **FIGURE 3** is a perspective view of the access window of the present
22 invention with a partial view of the access window frame and sliding window
23 pane, and the proximity sensor mount detached from the bottom frame member.

1 **FIGURE 4** is a cross-section (viewed at line 4 in Figure 3) illustrating the
2 proximity sensor mount and the bottom window frame attached to a portion of
3 the inside wall.

4 **FIGURE 5** is perspective view of a prior art electrically-operated access
5 window, with a sliding window pane, a fixed window pane, an infrared emitter,
6 infrared receiver, and a window frame member.

7 **FIGURE 6** is a diagram illustrating the infrared fixed-field diffused sensing
8 arrangement used for the proximity sensors used in the present inventions.

9 Corresponding reference numbers indicate corresponding parts
10 throughout the several views of the drawings.

11 **DESCRIPTION OF PREFERRED EMBODIMENT**

12 Referring now to the drawings, and with specific reference to Figures 1, 2,
13 and 3, a cutaway of the a building wall is generally indicated at 10, is shown to
14 have an inside wall portion 11 with an access window 15 of the present invention
15 installed within an of the building wall 10. The access window 15, having a
16 sliding window pane member 16, a fixed window pane member 17, a bottom
17 frame member 18, a left frame member 19, a right frame member 20, and a top
18 frame member 21. Although the preferred embodiment features a sliding
19 window pane, a movable window member that hinged at one edge or articulate
20 in a manner that creates an opening to permit access to a customer is similarly
21 envisioned as an comparable embodiment. The sliding window pane member
22 having a window handle 22 with thumb screw latch 63 located above the handle
23 22 and latch receiver 23. In the preferred embodiment, the access window

1 the T30 sensors used in a fixed-field diffused sensing arrangement, each sensor
2 has a single LED emitter 50 and two receivers (near receiver or detector 52 and
3 far receiver or detector 51) positioned slightly off center of the lens focal point.
4 This arrangement allows the light to exit the emitter lens 53 at a slight angle.
5 The receivers in the sensor are precisely placed behind the receiver lenses 54
6 for the proper cutoff distance. As shown in Figure 6, an object is sensed if the
7 amount of light at near receiver or detector 52 (R1) is greater than the amount of
8 light at far receiver or detector 51 (R2). In the preferred embodiment, the
9 proximity sensors are mounted askew of the horizontal plane (illustrated by line
10 35) in a manner that the centerline 36 of proximity sensor 29 is askew from the
11 vertical axis (illustrated as line 37) by the angle alpha. In the preferred
12 embodiment the angle alpha is approximately 10 degrees. An angle alpha of
13 approximately 10 degrees has been found to reliably detect a clerk wishing to
14 service a customer as the clerk reaches across the horizontal service plane
15 proximate to the access window (just prior to servicing a customer). This angle
16 alpha has been found to be such that the proximity sensors substantially reject
17 any false signals, from passing employees who do not intend to service a
18 customer, thereby virtually eliminating the inadvertent opening of the access
19 window. In an attempt to further avoid any false signals a 0.2 second time delay
20 is designed into the detection circuit. As such the time delay requires the
21 presence of a person in the proximity of the sensors for at least 0.2 of a second
22 in order to operate properly to open the window. Similarly, a person must vacate
23 the sensor proximity for at least 0.2 seconds for the window circuit to close the
24 window. The angle alpha of approximately 10 degrees has also been found to
25 be sufficient to avoid a ceiling panel or other ceiling surface from reflecting light

1 emitted by the LED back to receivers or detectors R1 or in a manner to falsely
2 trigger the window to open.

3 Another important aspect of the present invention is illustrated in Figure 4
4 as ring 40. Ring 40 is manufactured from General Electric Valox (a thermoplastic
5 material) with the outward surface of the ring shaped in a hexagonal shape. The
6 ring is further milled out in a manner that allows dirt, water, debris, and the like to
7 flow out of the ring and off of the lens' cover. The ring 40 is used as a mounting
8 ring for the proximity sensor 29. The interior surface of ring 40 is circular and
9 has an internal diameter sufficient to avoid obstructing the light emitted by the
10 LED emitter and the light received by the receivers or detectors. In the preferred
11 embodiment, the interior surface of ring 40 is threaded onto the threaded barrel
12 of proximity sensor 29. In the preferred embodiment, ring 40 is of a height of
13 3/8" or .375" which serves to provide sufficient infrared light travel path such that
14 receiver R2 (in Figure 6) can detect the presence of a person or object even
15 when a clerk is in contact with the sensor 29. Sensor ring 40 thereby serves to
16 prevent a clerk or an object of the clerk's clothing from coming in direct contact
17 with the sensor 29 in a manner that completely eliminates receivers R2 and R1
18 from receiving any light emitted by emitter E.

19 An electrical circuit for a motor window operator including motor,
20 electronic control and accompanying circuit board, and linkages to open and
21 close the sliding window panel would be apparent to one skilled in the art.
22 Typically, an electric motor is linked to the sliding window pane 16 by means of a
23 belt drive from the output of a motor shaft. In the preferred embodiment the
24 motor is such that it is energized and operates to open the sliding window pane

1 whenever a clerk is detected within the sensing field of the sensors 29 and the
 2 motor is thereafter reversed thereby causing the window pane 29 to close when
 3 a clerk is no longer detected within the sensing field of proximity detector 29.
 4 Appropriate limit switches serve to limit the opening and closing distance of the
 5 window pane 29. In addition to typical limit switches, a clutch is typically
 6 employed together with a motor and belt drive to permit manual intervention to
 7 cause the window to open in the event of power failure or to prevent the window
 8 from continuing to open or close whenever it is partially or completely obstructed
 9 by a person, a person's limb, or an object.

10 Figure 5 illustrates a prior art electrically operated window. Reference
 11 numbers use are used in the same fashion and for the same members are those
 12 set forth for Figure 1. In Figure 5 an infrared emitter 61 and infrared receiver 62
 13 are mounted on mount 60. The prior art device requires an employee or clerk to
 14 stand between the emitter 61 and receiver 62 in order to break the infrared beam
 15 to operate the window. The infrared beam used in this prior art device, is fairly
 16 narrow. While this narrow beam minimizes false triggering by passing
 17 employees, it also results in inadvertent closing of the window when a clerk or
 18 employee stoops over in an arching manner to service a customer rather than
 19 standing rigidly and in a manner to interrupt the infrared beam between the
 20 emitter 61 and the receiver/detector 62.

21 By upwardly focusing the proximity sensors, the present invention
 22 addresses and comprehends the posture of a fast-food service employee
 23 providing service to a customer while at the same time minimizing the
 24 inadvertent opening of the fast-food service window by passing employees who

1 are not attempting to service a customer. The present invention further
2 addresses and comprehends the propensity of a fast-food service employee who
3 typically presses against the horizontal service area, by providing mounting rings
4 40 which minimize the potential of completely blocking the light reflected from the
5 LED emitter 50 back to the receiver/detector 52.

6 In view of the above, it will be seen that the other objects of this invention
7 are achieved and other advantageous results obtained.

8 As various changes could be made in the above constructions without
9 departing from the scope of the invention, it is intended that all matter contained
10 in the above description or shown in the accompanying drawings shall be
11 interpreted as illustrative and not in a limiting sense.

1 What is claimed is:

2 1. A fast-food service window comprising:

3 a window assembly with at least one movable window member ;
4 a motor assembly mechanically coupled to said movable member;
5 an upwardly focused proximity sensor functionally coupled to the
6 motor assembly;
7 wherein the movable window member opens whenever a person is
8 in the immediate vicinity of said proximity sensors.

9 2. A fast-food service window comprising:

10 a window assembly with at least one movable member ;
11 a motor assembly mechanically coupled to said movable window
12 member;
13 a plurality of upwardly focused proximity sensors functionally
14 coupled to the motor assembly;
15 wherein the movable window member opens whenever a person is
16 in the immediate vicinity of said proximity sensors.

17 3. A fast-food service window comprising:

18 a window assembly with at least one movable window member;
19 a motor assembly mechanically coupled to said movable window
20 member;
21 an upwardly focused infrared proximity sensor electrically coupled
22 to the motor assembly;
23 wherein the movable window member opens whenever a person is
24 in the immediate vicinity of said proximity sensor.

- 1 4. The fast food service window set forth in claim 3 wherein said movable
2 window member is opened when an infrared beam is detected by an
3 infrared receiver and is closed when the infrared beam is not detected
4 by the infrared receiver.
- 5 5. The fast-food service window set forth in claim 1 wherein the sensor
6 has an integral infrared emitter and receiver.
- 7 6. The fast-food service window set forth in claim 1 wherein the sensor
8 centerline is slightly askew from the vertical axis.
- 9 7. The fast-food service window set forth in claim 2 wherein the sensors
10 have an integral emitter and receiver.
- 11 8. The fast-food service window set forth in claim 2 wherein at least one
12 sensor centerline is slightly askew from the vertical axis.
- 13 9. The fast food service window set forth in claim 3 wherein the sensor
14 has an integral emitter and receiver.
- 15 10. The fast-food service window set forth in claim 3 wherein at least one
16 of the infrared sensors emits an infrared beam at angle just slightly
17 askew of the vertical plane.
- 18

ABSTRACT

An electrically operated fast-food service window with a plurality of upwardly focused infrared emitter/receivers mounted on the internal side of a fast-food service window in a manner such to emit an infrared beam at an angle slightly askew of the vertical axis. The sensors are used to reliably detect an employee in the immediate proximity of a fast-food service window as the clerk bends over the horizontal service shelf as the clerk begins to reach towards a customer. The sensors, although focused towards the interior of a building, do not detect employees or traffic in the immediate vicinity of the fast-food service window thereby virtually eliminating the unintentional opening of the window. The uniquely oriented sensors are connected to an electric motor operator which opens the window as an employee prepares to deliver merchandise or other items to a customer. As the clerk retreats from the fast-food service window area, the sensors then detect the absence of the clerk thereby causing the motor operator to close the fast-food service window.

Fig. 1

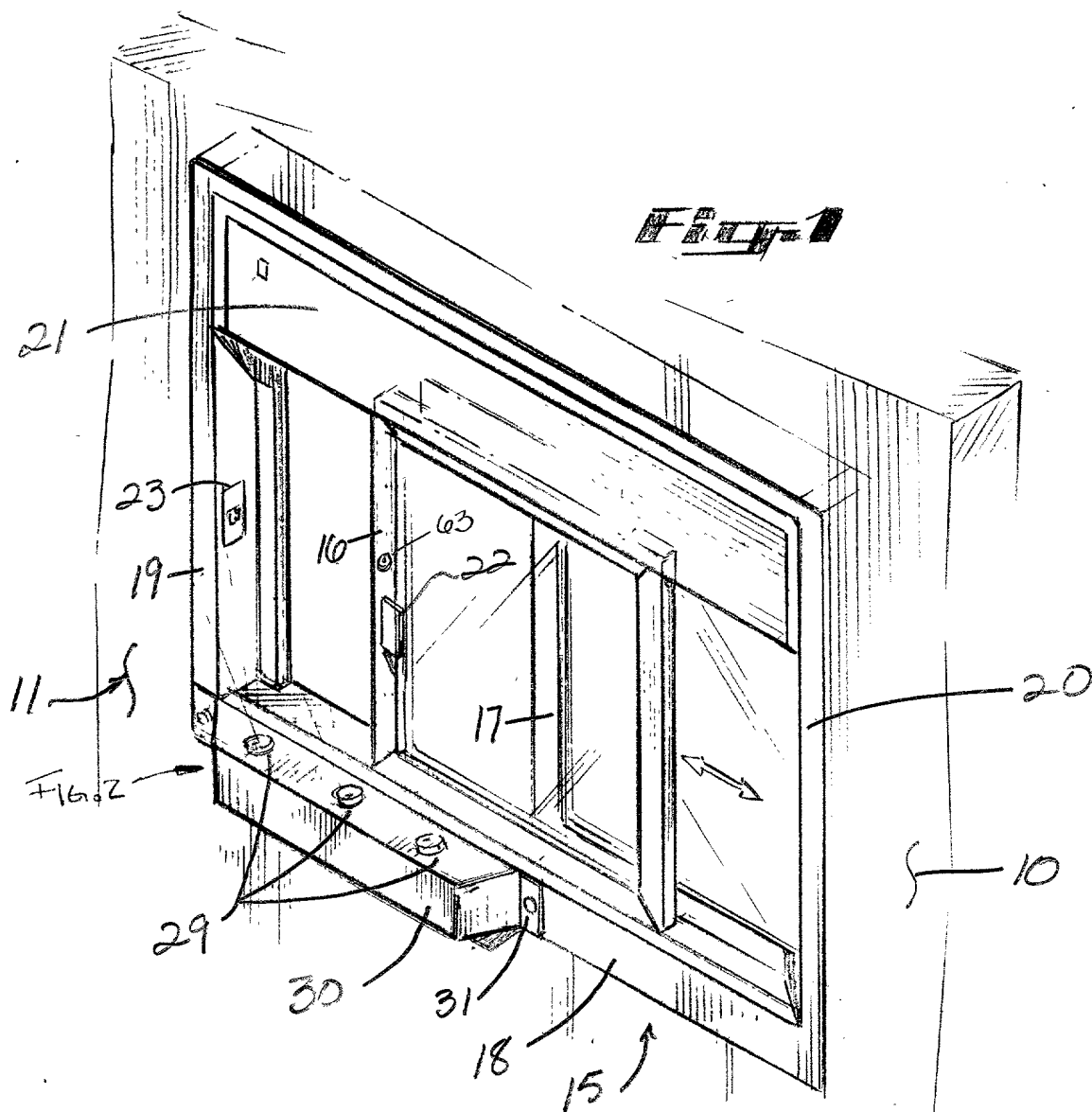


Fig. 2

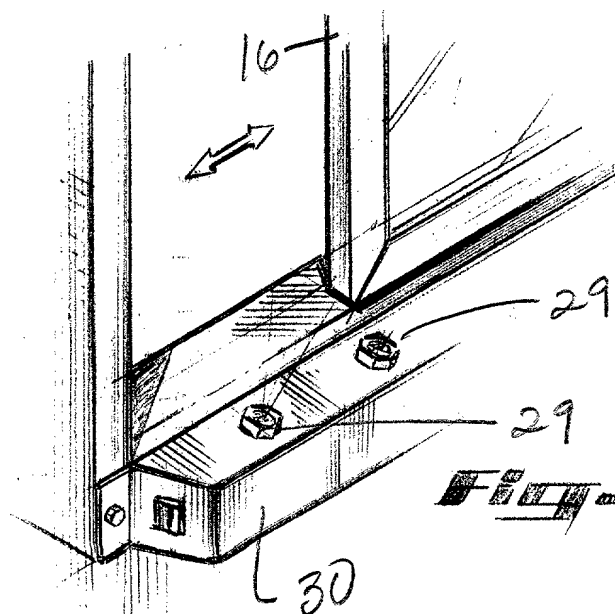
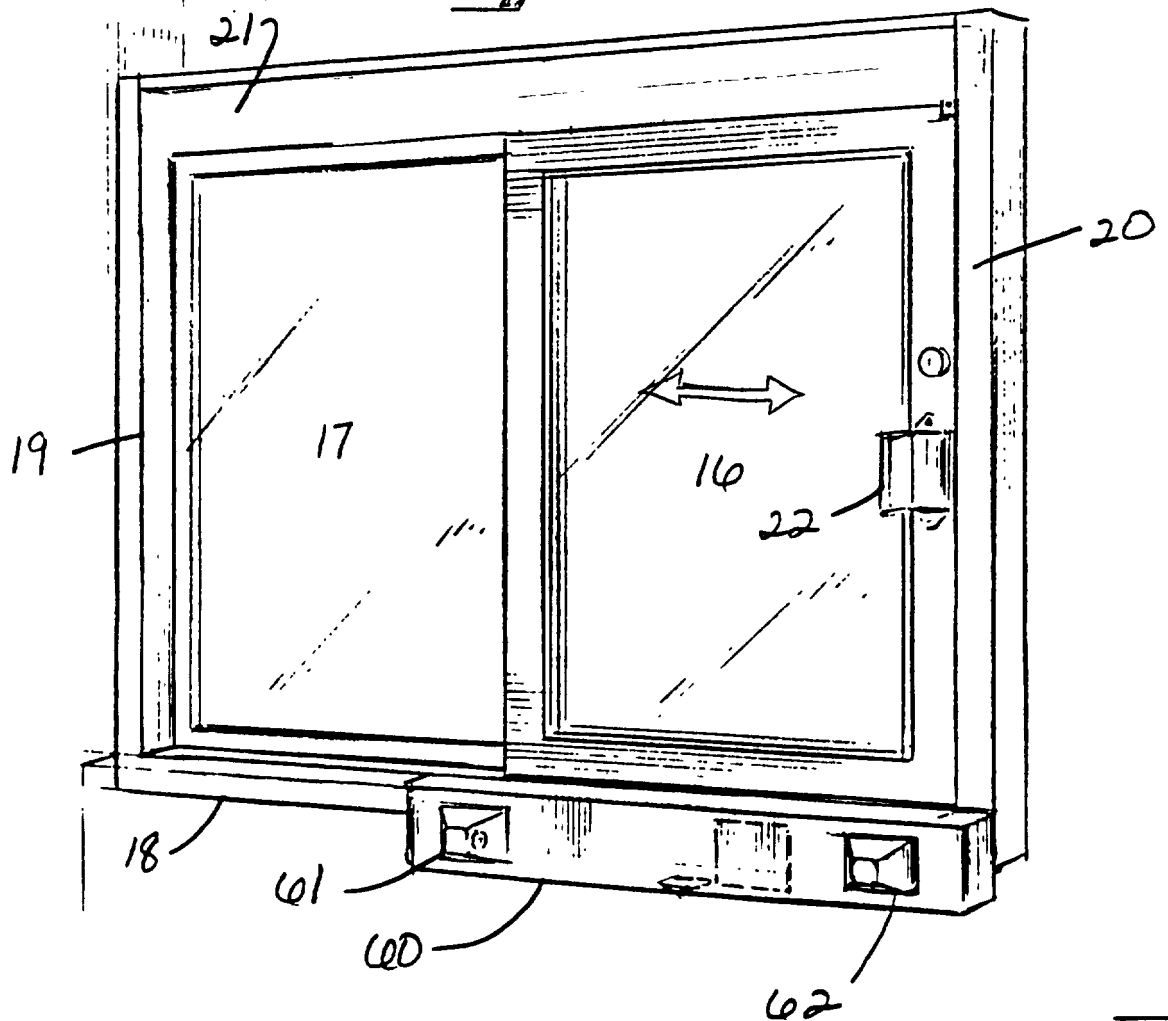
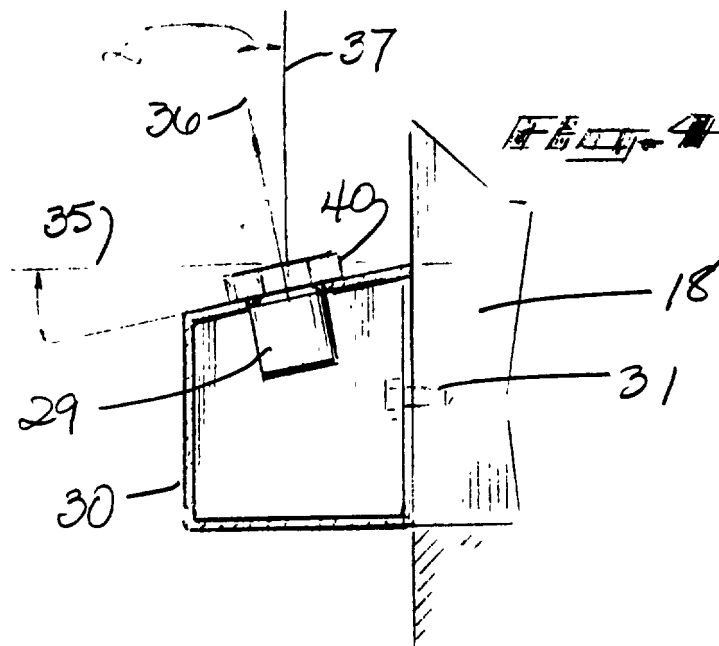
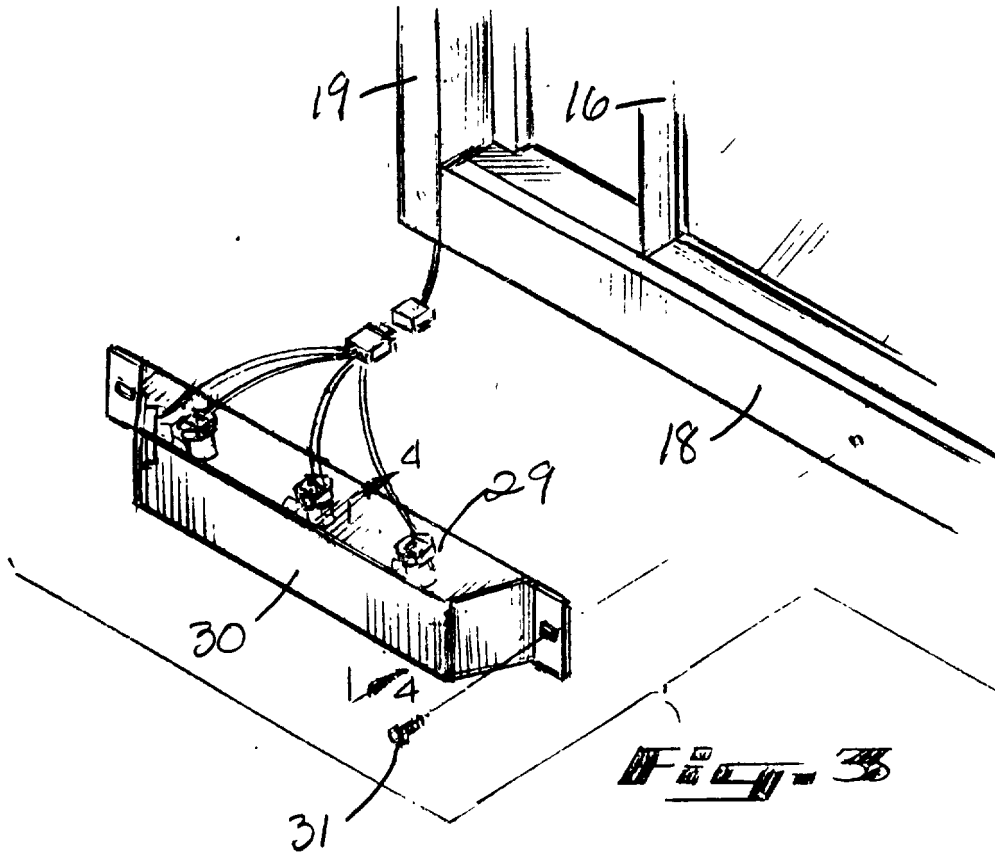


Fig. 5





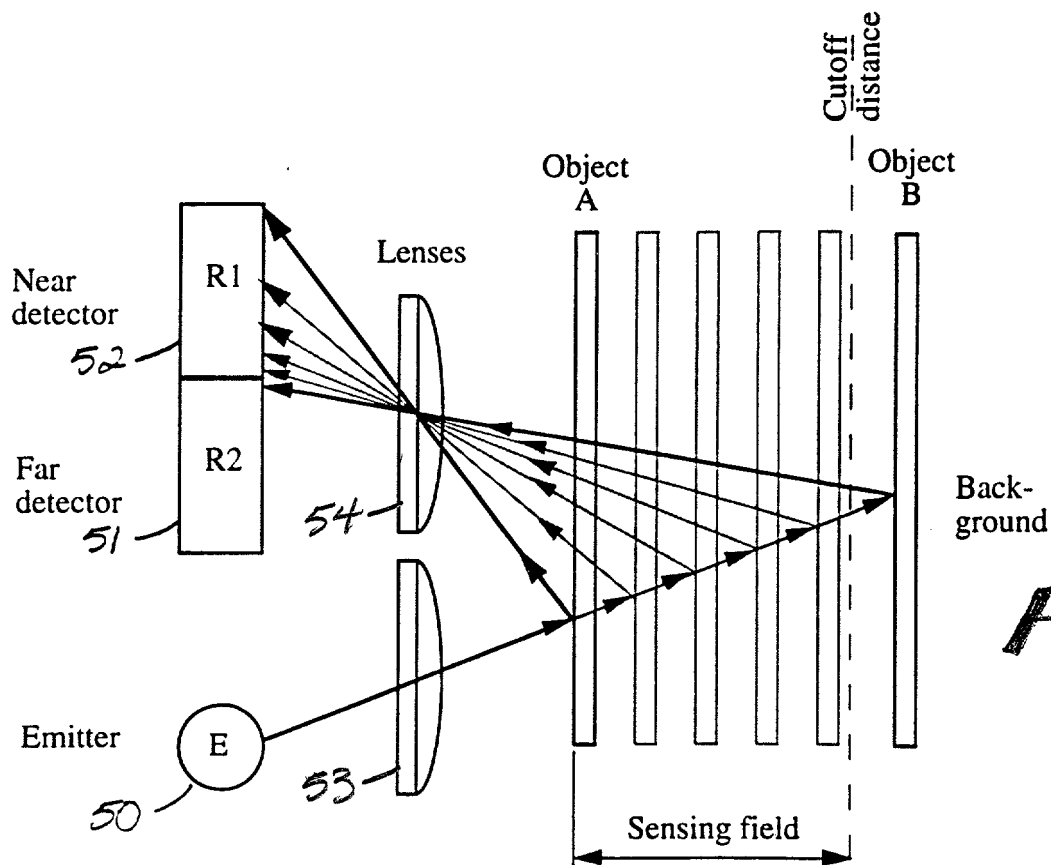


Fig 6

Object is sensed if amount of light at R1 is greater than the amount of light at R2

Practitioner's Docket No. MCEW 9801**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: JASON T. EPPS, DAN L. TERRY, JACKSON G. WEAVER

Serial No.: 0 /

Group No.:

Filed: JANUARY 8 1998

Examiner:

For: AUTO OPENING PASS THROUGH WINDOW

Assistant Commissioner for Patents
Washington, D.C. 20231**EXPRESS MAIL CERTIFICATE**"Express Mail" label number EB847395879Date of Deposit 1/8/98

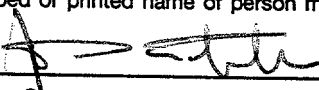
I hereby certify that the following attached paper or fee

- 1) VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
- 2) VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS SMALL BUSINESS CONCERN
- 3) POWER OF ATTORNEY BY INVENTORS
- 4) POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

J. DAVID CABELLO

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Practitioner's Docket No. MCEW - 9801**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**☐ In re application of: JASON T. EPPS, DAN L. TERRY, JACKSON G. WEAVER

Application No.: /

Group No.

Filed: JANUARY 8 1998

Examiner:

For: AUTO OPENING PASS THROUGH WINDOW

☐ Patent No.*: _____ Issued: _____

*NOTE: Insert name(s) of inventor(s) and title also for patent. Where statement is with respect to a maintenance fee payment, also insert application number and filing date, and add Box M. Fee to address.

**VERIFIED STATEMENT (DECLARATION)
CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(c-f) and 1.27(b-d))**

With respect to the invention described in

☒ the specification filed herewith.☐ application no. / _____, filed _____.☐ patent no. _____, issued _____.**I. IDENTIFICATION OF DECLARANT AND RIGHTS AS A SMALL ENTITY**

I hereby declare that I am

(complete either (a), (b), (c) or (d) below)

(a) Independent Inventor

☐ a below named independent inventor, and that I qualify as an independent inventor, as defined in 37 CFR 1.9(c), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office.

(b) Noninventor Supporting a Claim by Another

☒ making this verified statement to support a claim byM.C.E. SYSTEMS CORP.

for a small entity status for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code. I hereby declare that I would qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, if I had made the above identified invention.

(c) Small Business Concern

☐ the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Concern M.C.E. SYSTEMS CORP.

Address of Concern P.O. BOX 40466

HOUSTON, TEXAS 77240-0466 and

that the above identified small business concern qualifies as a small business concern, as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

(d) Non-Profit Organization

☐ an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization _____

Address of Organization _____

TYPE OF ORGANIZATION

☐ University or Other Institution of Higher Education

☐ Tax Exempt Under Internal Revenue Service Code
(26 USC 501(a) and 501(c) (3))

☐ Nonprofit Scientific or Educational Under Statute of State of the United States of America

(Name of State _____)

(Citation of Statute _____)

☐ Would Qualify as Tax Exempt Under Internal Revenue Service Code (26 USC 501(a) and 501(c) (3)), if Located in the United States of America

☐ Would Qualify as Nonprofit Scientific or Educational Under Statute of State of the United States of America, if Located in the United States of America

(Name of State _____)

(Citation of Statute _____)

and that the nonprofit organization identified above qualifies as a nonprofit organization, as defined in 37 CFR 1.9(e), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code.

(Verified Statement (Declaration) Claiming Small Entity Status (37 CFR 1.9(c-f) and 1.27(b-d))
[7-10]—page 2 of 4)

II. OWNERSHIP OF INVENTION BY DECLARANT

I hereby declare that rights under contract or law remain with and/or have been conveyed to the above identified

☐ person
(item (a) or (b) above)

☒ concern
(item (c) above)

☐ organization
(item (d) above)

EXCEPT, that if the rights held are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held (1) by any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, (2) any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or (3) a nonprofit organization under 37 CFR 1.9(e).

☒ no such person, concern, or organization

☐ person, concerns or organizations listed below*

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Full Name _____

Address _____

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

Full Name _____

Address _____

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

III. ACKNOWLEDGEMENT OF DUTY TO NOTIFY PTO OF STATUS CHANGE

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

IV. DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

(Verified Statement (Declaration) Claiming Small Entity Status (37 CFR 1.9(c-f) and 1.27(b-d))

[7-10]—page 3 of 4)

V. SIGNATURES

(complete only (e) or (f) below)

(e)

NOTE: All inventors must sign the verified statement.

JASON T. EPPS

Date: 1-8-98

Name of Inventor

Signature of Inventor

DAN L. TERRY

Date: 1-8-98

Name of Inventor

Signature of Inventor

JACKSON G. WEAVER

Date: 1-8-98

Name of Inventor

Signature of Inventor

(add lines for any additional inventors who must sign)

or

(f)

NOTE: The title of the person signing on behalf of a concern or nonprofit organization should be specified.

Name of Person Signing JIM EPPS

Title of Person PRESIDENT

(if signing on behalf of a concern or non-profit organization)

Address of Person Signing 11441 BRITTMOORE PARK DRIVE

HOUSTON, TEXAS

SIGNATURE

DATE 1-8-98

(Verified Statement (Declaration) Claiming Small Entity Status (37 CFR 1.9(c-f) and 1.27(b-d))
[7-10]—page 4 of 4)

Practitioner's Docket No. MCEW - 9801**PATENT**

☐ Applicant JASON T. EPPS
☐ DAN L. TERRY, JACKSON G. WEAVER
☐ Application No. _____
☐ Filed on JANUARY 8 1998
☐ Patentee _____
☐ Patent No. _____
☐ Issued on _____

Title: _____

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c))—SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern M.C.E. SYSTEMS CORP.Address of Small Business Concern 11441 BRITTMOORE PARK DRIVE
HOUSTON, TEXAS

I hereby declare that the above identified small business concern qualifies as a small business concern, as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to, and remain with, the small business concern identified above, with regard to the invention described in

- ☒ the specification filed herewith, with title as listed above.
☐ the application identified above.
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c), if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

**NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)*

Each such person, concern or organization having any rights in the invention is listed below:

☒ No such person, concern, or organization exists.

☐ Each such person, concern or organization is listed below.

Name _____

Address _____

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

Name _____

Address _____

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing JIM EPPS

Title of Person if Other Than Owner PRESIDENT

Address of Person Signing 11441 BRITTMOORE PARK DRIVE
HOUSTON, TEXAS

SIGNATURE



Date

1-8-98

(Small Entity-Small Business [7-4]—page 2 of 2)

Practitioner's Docket No. MCEW 9801**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

☒ In re application of: JASON T. EPPS, DAN L. TERRY, JACKSON G. WEAVER
Serial No.: / Group No.:
Filed: JANUARY 8, 1998 Examiner:
For: AUTO OPENING PASS THROUGH WINDOW

☐ Patent No.*: Issued:

*NOTE: Insert name(s) of all inventor(s) and title also for patent.

Assistant Commissioner for Patents
Washington, D.C. 20231

**POWER OF ATTORNEY BY INVENTOR(S)
(REVOCATION OF PRIOR POWERS)**

As a named inventor for the above identified

☒ application,
☐ patent,

REVOCATION OF PRIOR POWERS OF ATTORNEY

I hereby revoke all powers of attorney previously given and

NEW POWER OF ATTORNEY

I hereby appoint the following attorney(s) and/or agent(s) to prosecute and transact all business in the Patent and Trademark Office connected therewith.

(list name(s) and registration number(s))


J. DAVID CABELLO
Registration 31,455


(check the following item, if applicable)

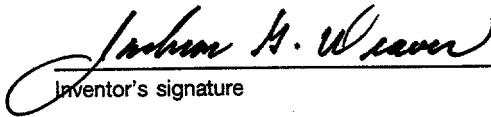
☐ Attached as part of this power of attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

SEND CORRESPONDENCE TO:
J. DAVID CABELLO
Customer No.: 18207 THEISS MAIL ROUTE ROAD
SPRING, TEXAS 77379

DIRECT TELEPHONE CALLS TO:
J. DAVID CABELLO
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| | |
|---------------------|---|
| Date: <u>1-8-98</u> | <u>JASON T. EPPS</u> (type or print inventor's name) |
| |  Inventor's signature |
| | <u>9814 Big Willow Lane</u> |
| | Post Office Address |
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|---------------------|--|
| Date: <u>1-8-98</u> | <u>Dan L. Terry</u> (type or print inventor's name) |
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| Date: <u>1-8-98</u> | <u>JACKSON G. WEAVER</u> (type or print inventor's name) |
| |  Inventor's signature |
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(Power of Attorney by Inventor(s) [12-1]—page 2 of 3)

Practitioner's Docket No. MCEW 9801**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**☐ In re application of JASON T. EPPS, DAN L. TERRY, JACKSON G. WEAVER

Serial No.: / Group No.:

Filed: JANUARY 6, 1998 Examiner:

For: AUTO OPENING PASS THROUGH WINDOW

☐ Patent No*: Issued:

*NOTE: Insert name(s) of inventor(s) and title also for patent.

**Assistant Commissioner for Patents
Washington, D.C. 20231****POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST
(REVOCATION OF PRIOR POWERS)**

As assignee of record of the entire interest of the above identified

☒ application,☐ patent,**REVOCATION OF PRIOR POWERS OF ATTORNEY**

all powers of attorney previously given are hereby revoked and

NEW POWER OF ATTORNEY

the following attorney(s) and/or agent(s) are hereby appointed to prosecute and transact all business in the Patent and Trademark Office connected therewith.

(list name and registration number)

J. DAVID CABELLO
REGISTRATION NO. 31,455
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SPRING, TEXAS 77379

(check the following item, if applicable)

- ☐
- Attached, as part of this power of attorney, is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

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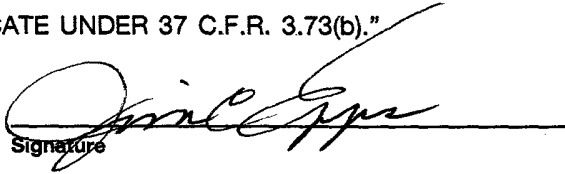
- ☐ Recorded in PTO on _____
Reel _____
Frame _____
☐ Recorded herewith

ASSIGNEE CERTIFICATION

Attached to this power is a "CERTIFICATE UNDER 37 C.F.R. 3.73(b)."

Date 1/8/98

Signature

JIM EPPS*(type or print name of person authorized to
sign on behalf of assignee)*PRESIDENT

Title

NOTE: The assignee of the entire interest may revoke previous powers and be represented by an attorney of his or her selection. 37 C.F.R. 1.36.

(check the following item, if it forms a part of this power of attorney)

- ☐ Added page—Authorization of attorney(s) to accept and follow instructions from representative.

(Power of Attorney by Assignee of Entire Interest [12-2]—page 2 of 2)